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Ralph Schlattl

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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species 1 comprising figures 1-8;

Species 2 comprising figures 9-16;

Species 3 comprising figures 17-24;

Species 4 comprising figures 25-32;

Species 5 comprising figures 33-36;

Species 6 comprising figures 37-40;

Species 7 comprising figures 41-49;

Species 8 comprising figures 50-54;

Species 9 comprising figures 55-59; and

Species 10 comprising figures 60-63.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Species 1 corresponds to claims 1-4, 11 and 19-22;
Species 2 corresponds to claims 1-3, 5-7, 12 and 19-22;
Species 3 corresponds to claims 8-10, 14 and 22;
Species 4 corresponds to claims 8-10, 13-15 and 22;
Species 5 corresponds to claims 8-10, 13-16 and 22;
Species 6 corresponds to claims 8-10, 13-17 and 22;
Species 7 corresponds to claims 8-10, 13-17 and 22;
Species 8 corresponds to claims 8-10, 13-18 and 22;
Species 9 corresponds to claims 1-3, 5-7, 12 and 19-22; and
Species 10 corresponds to claims 1-3, 5, 6, 12 and 19-22.

The following claim(s) are generic: No claim is generic to all species. Claim 22 is examinable only through those dependent claims reading on the elected species.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Each of the species of holders utilizes a unique combination comprising a specific retainer for the lighter or a unique integral formation with the body of the lighter in combined with a specific attachment feature for securement to a box. Therefore, there is no special technical feature.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. BRITTAIN whose telephone number is (571)272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Brittain/
Primary Examiner, Art Unit 3677

JRB